

Message Text

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E. O. 11652: N/A
TAGS: PORG, EAIR, ICAO
SUBJ: ICAO: JOINT SUPPORT CTE MEETING (JSOB 89/6)

1. RE ICELAND AND DENMARK ESTIMATES FOR 1977, CTE BECAME BOGGED DOWN IN "LEGAL" QUESTION AS TO WHETHER OR NOT APPROVAL OF THE ESTIMATES CONSTITUTED APPROVAL OF THE FACILITIES AND SERVICES. THIS QUESTION HAS ARISEN IN PREVIOUS YEARS BUT IS ESPECIALLY SIGNIFICANT AT THIS TIME BECAUSE THE 1977 ESTIMATES INCLUDE FINANCING FOR FACILITIES AND SERVICES WHICH ARE SUBJECT TO SNAP PANEL RECOMMENDATIONS AND FINAL DECISIONS ON CONTESTED WITHDRAWALS WILL NOT BE MADE UNTIL THE DEN/ICE III CONFERENCE. FINAL DECISIONS ON ESTIMATES WERE POSTPONED UNTIL A SPECIAL MORNING MEETING DECEMBER 13.
2. RE DENMARK'S CLAIM FOR REIMBURSEMENT OF LOSSES DUE TO EXCHANGE OVER LAST FIVE YEARS, LEGAL BUREAU GAVE PRESENTATION WHICH MADE THE FOLLOWING POINTS: (A) LEGAL BUREAU REGARDS DENMARK REQUEST NOT PURELY AS A LEGAL "CLAIM" WHICH WOULD SOON BECOME LEGAL "DISPUTE" WHICH HAS CERTAIN CONNOTATIONS IN ICAO. THEY REGARD IT AS A "SUGGESTION" AND A "FACT-FINDING PROCESS"; (B) IS THERE A "STATUTE OF LIMITATION" REGARDING SUCH REQUEST? THE LEGAL BUREAU SAYS "NO." (C) LEGAL BUR REFERRED TO EXCHANGE OF TELEXES APPEARING ON PAGE 11 OF JSWP 985 AND STATED THAT THEY APPEAR TO CONSTITUTE "AN AGREEMENT." LEGAL BUREAU POINTED OUT PARTICULARLY THE DENMARK AGREEMENT TO "PROVISIONAL APPLICATION" SUBJECT TO "RETROACTIVE ADJUSTMENTS", AND THEREFORE CONCLUDED THAT THE PRESENT CLAIM BY DENMARK IS UNCLASSIFIED

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LEGITIMATE IN THE CONTEXT OF THIS AGREEMENT. USREP ASKED

SECRETARIAT IF THIS "AGREEMENT" HAD BEEN PASSED ON TO JOINT SUPPORT CTE OR TO MEMBER STATES TO WHICH HE REPLIED NEGATIVELY. UK ASKED FOR SECRETARIAT INTERPRETATION AS TO WHETHER THE "AGREEMENT" APPLIED TO ICAO PAYMENTS OR THE PAYMENT OF STATES. SECRETARIAT REPLIED THAT EXCHANGE RATE AGREEMENT WAS MEANT TO BE APPLICABLE TO PAYMENTS BY STATES. UK REPEATED TWICE THAT IT CONSIDERED THAT ITS PAYMENTS HAD BEEN "FIXED BY AGREEMENT" PER ARTICLE XI.

3. THE ITEM IS ON THE AGENDA OF THE DEN/ICE III CONFERENCE. THE CTE ASKED THAT THE SECRETARIAT MAKE NO ADDITIONAL PREPARATIONS, AND PLAN TO USE WP 985 AND THE CTE MINUTES RE THE LEGAL BUR PRESENTATION.

4. RE WP 998 AND THE POSSIBILITY OF ESTABLISHING UNIFIED CHARGING SYSTEM, THERE WAS NO DISCUSSION AND CTE NOTED PAPER. (FYI: ITEM IS NOT ON DEN/ICE III AGENDA. GIVEN ENTHUSIASM OF UK AND CANADA FOR THE UNIFIED SYSTEM APPROACH, IT IS POSSIBLE THAT A REQUEST WOULD BE FORTHCOMING NEXT YEAR FOR A SEPARATE DEN/ICE IV ON THIS SUBJECT. END FYI)

5. RE THE "WINDING UP OF NAOS" -- THE ORAL REPORT INDICATED THERE ARE SOME POUNDS 3,700 AND \$12,600 FOR DISTRIBUTION WHICH IS BEING HELD IN THE HOPE THAT FINAL PAYMENT WILL BE MADE BY THE ONE REMAINING STATE WHICH HAS NOT PAID.

6. RE WORK PROGRAM OF JSC (WP 996) (A) GERMANY ASKED TO ADD ITEM ON THE 95 O/O/5 O/O DISTRIBUTION OF USER CHARGE ALLOCATION. SECRETARIAT FELT THAT THIS WOULD REQUIRE MUCH WORK AND SINCE THERE IS NO URGENCY SUGGESTED IT BE PUT ON WORK PROGRAM FOR 91TH SESSION (MAY). (B) THE SECRETARIAT HASTILY TOSSED OUT AN ITEM ON "AMENDMENTS TO THE AGREEMENTS RE INTEREST RATES." IN SPITE OF CONFUSION CTE WAS ABLE TO POINT OUT THAT THIS MATTER IS WITHOUT PRIORITY AND SHOULD BE ON WORK PROGRAM END OF 1977. (C) RE ORGANIZATION PLAN FOR DEN/ICE CONFERENCE, CTE LEFT IT TO DISCRETION OF SECRETARIAT, BUT US ASKED TO SEE PAPER INFORMALLY AS SOON AS AVAILABLE.

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